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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/398,222

09/17/1999

SAIMA KHAN

DAVOX-171XX

9791

28452

7590

07/27/2005

BOURQUE & ASSOCIATES, P.A.
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MANCHESTER, NH 03104

EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/398,222

Applicant(s)

KHAN, SAIMA

Examiner

Ricardo Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,785,370 (Glowny) In view of U.S. patent No. 6,744,877 (Edwards)

Regarding claim 1, Glowny discloses a Dynamic System for integrating call record information , comprising a plurality of distributed call centers (plurality of call centers col 6 lines 52-54) , each of said plurality of call centers including a CTI system in (Fig. 1 said CTI system would be formed by plurality of CTI elements such as 165, 120, 105, col 5 lines 16-20 and 55-60) having a data record exclusion system (system is a dynamic system, col 5 line 21, the call record generator 150 CRG in Fig. 1 can perform exclusion, col 56 lines 63-67, col 57 lines 1-11), each including an exclusion table (Master Record 1856 in Fig. 18 would include said table , col 47 line 24) , said plurality of distributed call centers linked over a computer network (LAN network, col 58 line 66), as in claim 1.

Glowny did not specifically disclose said system capable of dynamically transferring a data records between said plurality of distributed call centers , neither

Art Unit: 2661

disclose said record exclusion system having an importer element and an exporter element, as in claim 1

Edwards discloses a Method for enterprise service balancing comprising a system capable of dynamically transferring a data record between a plurality of call centers (the Enterprise service balancer 401 in Fig. 4 may be distributed across several call centers and data is dynamically transferred using work pushers 410, 411, 412 col 12 lines 65-67, col 13 lines 1-8 and 29-32), as in claim 1,

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention that by transferring exclusion data among call centers said data would have had to be imported [meaning it would have to be received by a unit such as the claimed record importer] or exported [meaning it would have to be transmitted by a unit such as the claimed record exporter] among the call centers and it would have been obvious to provide the dynamic transferring of data among centers call as disclosed by Edwards to the system disclosed by Glowny in order to provide a communication system having multiple call centers, wherein each call center utilizes a communication link capable of exchanging information and data with any or all associated call centers within the system.

The motivation to do is to obtain a system and method that is capable of constructing a Master call record and receive data regarding telephony events.

Allowable Subject Matter

3. Claim 14 is allowed.

Art Unit: 2661

4. Claims 2-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims .

Conclusion

5. Applicant's arguments filed on 3/3/05 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., distributing the audio recorded segment removal process to other call centers - page 10 of response-) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues then neither reference disclose the transfer of export data. Examiner disagrees since this is disclosed by Edwards which disclose the transfer of mainly data that can be broadly applicable to a variety of types of data. Applicant argues that in Edwards a workpacket is defined simply as a container with caller and caller information. Edwards discloses several definition for the term workpacket but basically defining it as data that can be dynamically transferred among call centers by the Enterprise service balancer 401 in Fig. 4., as in claim 1 of the instant application.

Applicant argues that Examiner is using hindsight based on Applicant's application, In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Art Unit: 2661

Washington, D.C. 20231

or faxed to:

(571) 273-8300

.(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 22- 20th Street S, Crystal Plaza Two, Lobby, Room 1B03, Arlington , VA 22202 (Customer window).

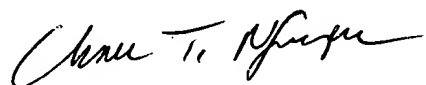
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is **(571) 272-3077**. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/20/05

Ricardo Pizarro



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600